

Assembly Bill No. 1594

Passed the Assembly August 28, 2012

Chief Clerk of the Assembly

Passed the Senate August 23, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 47610.1 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1594, Eng. Charter schools: pupil nutrition.

(1) Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday and authorizes them to use funds made available through any federal or state program the purpose of which includes the provision of meals to a pupil, including the federal School Breakfast Program, the federal National School Lunch Program, the federal Summer Food Service Program, the federal Seamless Summer Option, or the state meal program, or to provide those meals at the expense of the school district or county office of education.

Existing law exempts charter schools from the laws governing school districts except those of the Charter Schools Act, those establishing minimum age for public school attendance, specified building code regulations, and other specified laws.

This bill would require a charter school to provide each needy pupil with one nutritionally adequate free or reduced-price meal during each schoolday, thereby imposing a state-mandated local program. The bill, among other things, would exclude a charter school that offers only nonclassroom-based instruction or only online instruction from this requirement.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Many California families struggle to make ends meet; limited financial resources can make it difficult for families, including children, to access nutritious food.

(2) Currently, California charter schools are exempt from the requirement to provide a low-income pupil a daily nutritionally adequate, free or reduced-price school meal.

(3) As the number of charter schools continues to grow across California, so do the number of low-income charter school pupils who may not have access to the free or reduced-price meals that they are eligible for and offered in a traditional public school.

(4) School meals play an essential role in supporting the academic achievement and overall well-being of all pupils, particularly low-income pupils who may not have access to a nutritionally adequate meal otherwise.

(b) Because a hungry child cannot learn, the Legislature intends that all California public schools, including charter schools, provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday.

SEC. 2. Section 47610.1 is added to the Education Code, to read:

47610.1. (a) A charter school shall provide each needy pupil with one nutritionally adequate free or reduced-price meal, as defined in subdivision (a) of Section 49553, during each schoolday.

(b) This section does not apply to a charter school that offers only nonclassroom-based instruction or only online instruction. This section does not require a charter school that offers both classroom-based instruction and nonclassroom-based or online instruction to provide a meal to pupils enrolled in only nonclassroom-based instruction or only online instruction.

(c) A charter school that becomes operational for the first time on or after July 1, 2014, shall implement this section when the school begins operation.

(d) A charter school that during the 2012–13 school year provided needy pupils with nutritionally adequate free or reduced-price meals shall implement this section commencing with the 2013–14 school year.

(e) A charter school that during the 2012–13 school year did not provide needy pupils with nutritionally adequate free or reduced-price meals shall implement this section commencing with the school year that follows the next scheduled charter renewal.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2012

Governor